



4910-13

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

Docket No. FAA-2012-0510; Airspace Docket No. 12-ASO-17

RIN 2120-AA66

Amendment of Restricted Area R-2101; Anniston Army Depot, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the description of restricted area R-2101, Anniston Army Depot, AL, by removing the abbreviation “CST” from the time of designation, and by including a controlling agency for the restricted area. This amendment does not change the dimensions of, or activities conducted within, R-2101.

DATES: Effective date 0901 UTC, July 26, 2012.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace, Regulations and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION

Background

The time of designation for R-2101 currently reads “0700 to 1800 CST, Monday-Friday.” Since the restricted area lies completely within the central time zone, it is unnecessary to specify “CST” in the description. The use of “CST” has led to confusion about the time of designation during that part of the year when daylight saving time is in

effect. The intended time of designation for the restricted areas is 0700-1800 local time, Monday – Friday, during both standard time and daylight saving time periods.

Currently, R-2101 does not have a designated controlling agency. A controlling agency is the air traffic control facility that exercises control of the airspace when it is not in use by the using agency for its designated purpose. Since the using agency releases R-2101 during periods when it is not scheduled for use, the FAA is designating a controlling agency to enable joint use of the airspace during such periods.

The Rule

This action amends Title 14, Code of Federal Regulations (14 CFR) part 73 by removing “CST” from the time of designation for restricted area R-2101, Anniston Army Depot, AL, and inserting the words “local time” in its place. The time of designation is amended to read “0700 to 1800 local time, Monday-Friday.” In addition, the FAA, Atlanta Air Route Traffic Control Center (ARTCC) is designated as the controlling agency for the restricted area. A controlling agency enables joint use of the airspace during periods when it is not required by the military using agency. These changes do not alter the current dimensions or usage of the restricted area.

Because this action is a minor editorial change that does not alter the physical location or utilization of the restricted areas, I find that notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

Section 73.21 of Title 14 CFR part 73 was republished in FAA Order 7400.8T, effective February 16, 2011.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them

operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends airspace descriptions to keep them current.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This action updates the technical description of special use airspace that does not alter the dimensions, altitudes, or use of the airspace. It is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited Areas, Restricted Areas.

Adoption of Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73 - SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§73.21 [Amended]

2. §73.21 is amended as follows:

* * * * *

R-2101 Anniston Army Depot, AL [Amended]

By replacing the current time of designation and adding a controlling agency as follows:

Time of designation. 0700 to 1800 local time, Monday-Friday.

Controlling agency. FAA, Atlanta ARTCC.

Issued in Washington, DC on May 17, 2012.

Ellen Crum

Acting Manager, Airspace, Regulations and ATC Procedures Group

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